

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division of Water

4 (Amendment)

5 401 KAR 8:250. Inorganic and organic chemical sampling, analytical techniques,~~[and]~~  
6 maximum contaminant levels, radionuclides, and secondary standards.

7 RELATES TO: KRS 224.10-100, 224.10-110, 40 C.F.R. 141, 142, 143~~[141.11, 141.23,~~  
8 ~~141.24, 141.40, 141.41, 141.50, 141.51, 141.61, 141.62, EO 2009-538]~~

9 STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110(2), 40 C.F.R. 141, 142,  
10 143~~[141.11, 141.23, 141.24, 141.40, 141.41, 141.50, 141.51, 141.61, 141.62], 42 U.S.C. 300f-~~  
11 ~~300j-26[, EO 2009-538]~~

12 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110(2) requires the  
13 cabinet to enforce administrative regulations promulgated by the secretary for the regulation and  
14 control of the purification of water for public and semipublic use.~~[EO 2009-538, effective June~~  
15 ~~12, 2009, establishes 2 the new Energy and Environment Cabinet.]~~ This administrative  
16 regulation establishes sampling and analytical requirements for certain inorganic and organic  
17 chemicals and sets maximum contaminant levels for those chemicals which, if exceeded, may  
18 affect public health. This administrative regulation establishes the requirements for  
19 sampling and testing procedures for radionuclides and establishes maximum contaminant  
20 levels for safe drinking water. This administrative regulation establishes maximum  
21 contaminant levels and requirements for the sampling and testing for contaminants that do

1 not have a direct impact on the health of consumers, but my discourage the utilization of  
2 drinking water or discredit the supplier. Provisions for these contaminants are referred to  
3 as “secondary standards”. This administrative regulation establishes sampling schedules  
4 and requires public water systems to modify treatment to comply with maximum levels  
5 established by the federal regulation. Federal regulations leave monitoring frequency and  
6 consequences for exceeding secondary standards to primacy agency discretion.

7 Section 1. Inorganic and organic chemical sampling, analytical techniques, and  
8 maximum contaminant levels. (1) A public water system shall meet the requirements for  
9 inorganic chemicals as established in [accordance with]40 C.F.R. 141.11, 141.23, 141.41,  
10 141.51, and 141.62.

11 (2)[Section 2.] A public water system shall meet the requirements for organic chemicals  
12 as established in[accordance with] 40 C.F.R. 141.24, 141.50, and 141.61.

13 Section 2. Radionuclides. A community water system shall meet the requirements  
14 for radionuclides as established in 40 C.F.R. 141.25, 141.26, 141.55, and 141.66.

15 Section 3. Sampling, Analysis, Reporting, and Treatment for Secondary  
16 Contaminants. (1) A public water system that treats groundwater or surface water shall  
17 sample for secondary contaminants as established in 40 C.F.R. 143.1 through 143.4, with  
18 the following additions:

19 (a) An analysis for secondary contaminants shall be performed if a new source of  
20 water supply is proposed to the cabinet for preliminary approval pursuant to 401 KAR  
21 8:100, Section 1. Excessive amounts of these contaminants or excessive costs for their  
22 removal shall be grounds for rejection of the proposed source of water;

1       **(b) An existing public water system that treats groundwater or surface water shall**  
2       **sample for, analyze, and report the secondary contaminants listed in 40 C.F.R. 143.3**  
3       **annually, and if consumer complaints indicate the presence of one (1) or more of these**  
4       **contaminants. Treatment shall be adequate to assure that the secondary contaminant level**  
5       **does not exceed the maximum level limits established in 40 C.F.R. 143.3; and**

6       **(c) A sample shall be taken from each entry point to the distribution system.**

7       **(2) If a secondary maximum contaminant level established in 40 C.F.R. 143.3 is**  
8       **exceeded by a supplier of water, the cabinet may direct that supplier to modify the**  
9       **treatment procedure or to locate a more suitable source of water if the exceeded**  
10       **contaminant level results in a violation of the primary drinking water standards or in**  
11       **consumer complaints.**

